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IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON, GEORGIA

FILED

U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUN 02 2006

THOMAS K. KAHN
CLERK

No. 06-12493-F

5:05-cv-227

MICHAEL LONDON,

Plaintiff-Appellant,

versus

THURBERT E. BAKER,
State Attorney General,

Defendant-Appellee.

Appeal from the United States District Court for the
Middle District of Georgia

Before DUBINA and HULL, Circuit Judges.

BY THE COURT:

Appellant's April 20, 2006, notice of appeal is untimely to appeal from the district court's January 4, 2006, order and final judgment dismissing his civil rights complaint under 42 U.S.C. § 1983 and the March 16, 2006, order dismissing as moot Appellant's motion to remand. Fed.R.App.P. 4(a)(1)(A) & (c)(1); Houston v. Lack, 487 U.S. 266, 276, 108 S.Ct. 2379, 2385, 101 L.Ed.2d 245 (1988). However, Appellant alleges that he did not receive notice of the orders until April 17, 2006, more than 21 days after the orders' entry date, and that he filed his notice of appeal within 7 days of receiving notice of the orders. Accordingly, this case is REMANDED, sua sponte,

for a determination by the district court as to whether Appellant is entitled to a reopening of the appeal period pursuant to Fed.R.App.P. 4(a)(6). Upon making its determination, the court shall return the record, as supplemented, to this Court for further proceedings.

A True Copy - Attested:
Clerk, U. S. Court of Appeals,
Eleventh Circuit

By: Mildred K. Newwood
Deputy Clerk
Atlanta, Georgia